

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

X

RUSSELL ALLEN,

Plaintiff,

v.

DON DIVA MAG-ENT,

Defendant.

X

MEMORANDUM

AND ORDER

15-CV-6331 (WFK)(CLP)

WILLIAM F. KUNTZ, II, United States District Judge:

On December 14, 2015, this Court issued a memorandum and order, finding the Court lacked subject matter jurisdiction over the action and granting the plaintiff 30 days to file an amended complaint. ECF No. 7. The plaintiff filed an amended complaint on December 28, 2015, and on June 14, 2016, Defendant Don Diva Magazine filed a letter through its editor-in-chief, Tiffany Chiles. ECF Nos. 8, 16.

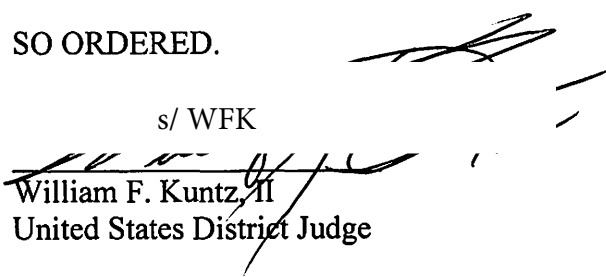
The Court notes that Defendant Don Diva Magazine, as a corporate defendant, cannot proceed *pro se* in federal court. *Eagle Associates v. Bank of Montreal*, 926 F.2d 1305, 1308 (2d Cir. 1991); *see also Osborn v. Bank of U.S.*, 22 U.S. 738, 830 (1824) (“A corporation, it is true, can appear only by attorney, while a natural person may appear for himself.”); 28 U.S.C. § 1654 (“In all courts of the United States the parties may plead and conduct their own cases personally or by counsel as, by the rules of such courts, respectively, are permitted to manage and conduct causes therein.”); *Jones v. Niagara Frontier Transp. Auth.*, 722 F.2d 20, 22 (2d Cir. 1983) (discussing the rationale for requiring corporations, as “artificial” entities, to appear only through counsel); *Shapiro, Bernstein & Co. v. Cont’l Record Co.*, 386 F.2d 426, 427 (2d Cir. 1967) (per

curiam) (stating that “it is settled law that a corporation cannot appear other than by its attorney”).

Accordingly, IT IS HEREBY ORDERED that Defendant Don Diva Magazine find legal representation within 90 days from the entry of this Order.

SO ORDERED.

s/ WFK


William F. Kuntz, II
United States District Judge

Dated: Brooklyn, New York
July 27, 2016